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July 20, 2006

*Via Electronic Filing*

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: WT Docket No. 96-86  
*Ex Parte Notice*

Dear Ms. Dortch:

On July 19, 2006, Mark Crosby, Andrew Rein, and the undersigned on behalf of Access Spectrum, LLC, and Cheryl Crate and Kathy Wallman on behalf of Pegasus Communications Corporation met with the following individuals in three separate meetings: Aaron Goldberger, legal advisor to Commissioner Tate; Bruce Gottlieb, legal advisor to Commissioner Copps; and Barry Ohlson, senior legal advisor to Commissioner Adelstein. During each meeting, Access Spectrum and Pegasus urged the Commission to take steps to enable it promptly to consider the Broadband Optimization Plan proposed in the above-referenced proceeding. The enclosed slides were discussed during the meeting.

Pursuant to the Commission's rules, this letter is being submitted for inclusion in the public record in the above-referenced proceeding.

Sincerely,

/s/ Ruth Milkman  
Ruth Milkman

Enclosure

cc: Aaron Goldberger  
Bruce Gottlieb  
Barry Ohlson

# **The Upper 700 MHz Broadband Optimization Plan**

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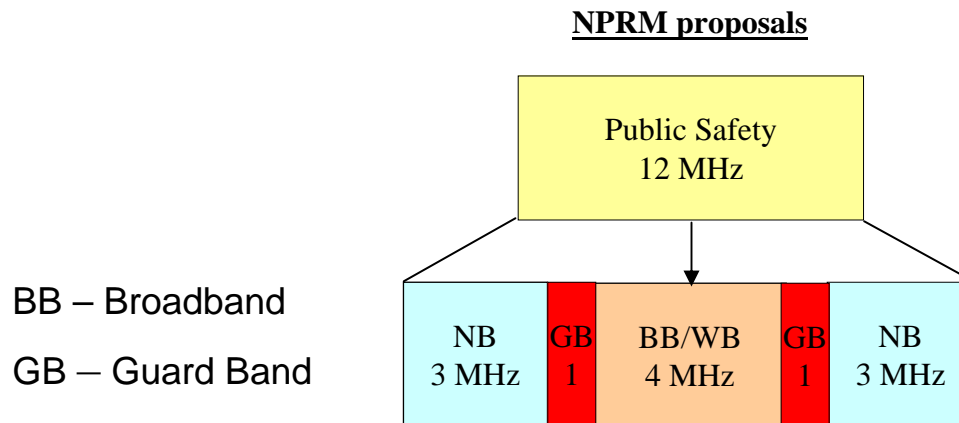
**July 2006**



# NPRM proposals

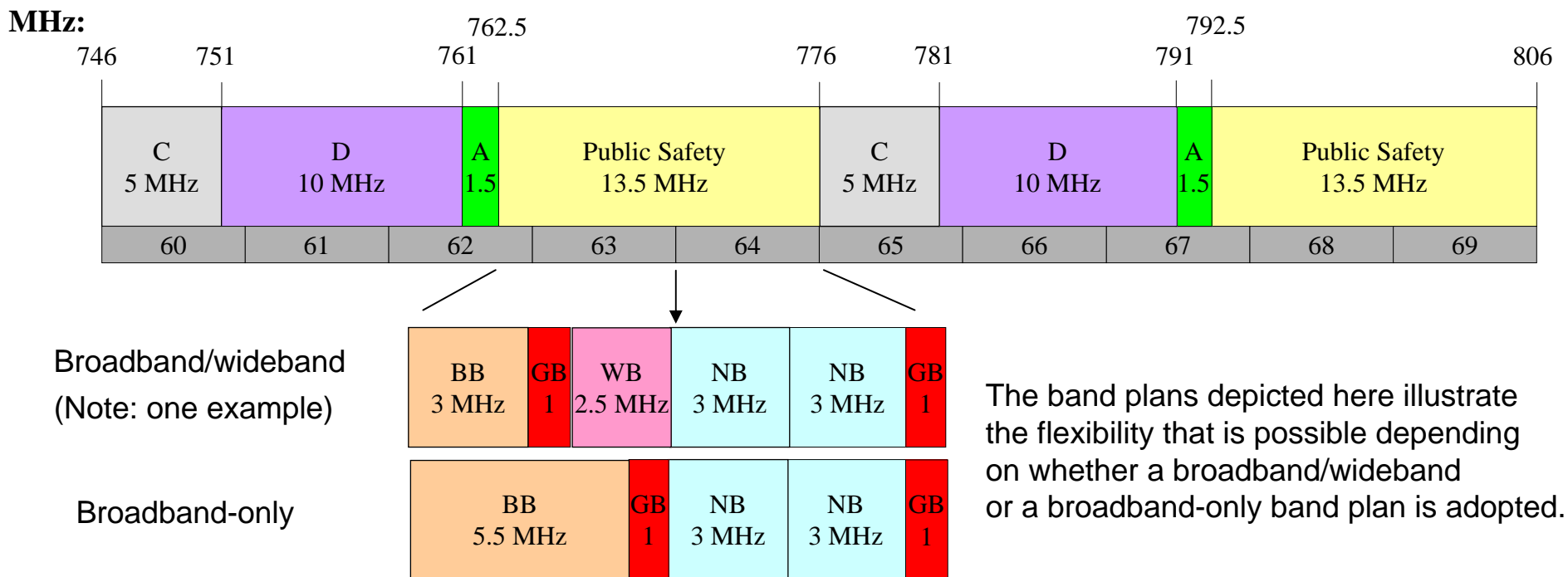
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- At NPSTC's request, the FCC has asked for recommendations on how to best accommodate broadband within the public safety allocation while
  - Maintaining 12 MHz of spectrum (6 MHz paired) devoted to narrowband voice
  - Ensuring there is ~1 MHz of “guard band” to protect narrowband from broadband
- The NPRM proposals each require internal guard bands and:
  - Nullify the possibility for a contiguous 5 MHz block of spectrum and unnecessarily restrict the amount of public safety wideband/broadband capacity
  - Require *eight* 1 MHz guard bands and waste the remaining B Block spectrum
  - Make it difficult to have public safety/commercial “mixed-use” partnerships for next-generation broadband networks in the future



# The solution: The Broadband Optimization Plan

- Step 1: consolidate the narrowband spectrum at the top of the public safety allocation
- Step 2: contribute 3 of 4 MHz from the B Block to public safety for internal guard bands used to separate narrowband/wideband from public safety and/or commercial broadband
- Step 3: contribute the remaining 1 MHz from the B Block to the A Block and move the A Block to the lower end of the public safety block



# Benefits of the plan

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- Promotes and improves effective public safety communications
  - Enables a broader array of broadband technologies
  - Increases broadband capacity while maintaining the narrowband voice allocation
  - Facilitates public safety/commercial broadband partnerships
  - Grants public safety control of and flexibility with respect to its guard bands
  
- Furthers the Commission's broadband goals
  - Increases usable broadband spectrum in BOTH the public safety and commercial allocations by 3 MHz (from 38 MHz to 44 MHz; increase of ~16%)
  
- Increases spectrum efficiency
  - Reduces the quantity of spectrum dedicated to guard bands from 10 MHz to 3 MHz
  - Maximizes the utilization of the A and B Blocks

# Broad public safety and commercial interest

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- In addition to the Joint Commenters (Access Spectrum, Columbia Capital, Intel and Pegasus), many public safety and commercial entities are supporting consideration of the Broadband Optimization Plan
  - Public safety – NPSTC, 700 MHz Regional Planning Committees (24 – MO; 26 – NE; 39 – TN; 45 – WI), the state of Hawaii and the National Association of Regional Planning Committees (NARPC)
  - Commercial – 3G Americas, Ericsson, Nokia, Northrop Grumman, Texas Instruments and the WiMAX Forum
  
- **NPSTC Reply Comments:**
  - *“The Access Spectrum proposal to relocate the narrowband voice channels and provide additional spectrum to the 700 MHz band public safety segment has merit yet presents several substantial contingencies . . . . NPSTC encourages interested parties to explore possible solutions . . . . NPSTC understands that a resolution may encompass other aspects of the 700 MHz band, yet urges the Commission to pursue the matter as expeditiously and succinctly as possible.” Reply Comments at 9.*

# Next Steps/Timing

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- As many noted in their reply comments, the Broadband Optimization Plan will give rise to two principal issues that the Joint Commenters, in conjunction with leading public safety officials, major commercial entities, engineers and subject-area experts are currently working on addressing:
  - Re-programming of deployed dual-band 700/800 MHz radios
  - Coordination along the Canadian border
- As stated in our comments, we are committed to working through these issues
- It is essential to fully consider the Broadband Optimization Plan as soon as possible
  - The time and cost associated with the needed modifications in the near-term is minimal when compared with effecting such changes in the future
    - Near-term adoption will avoid disrupting public safety's implementation timeline
  - Modifications made today enable significant future benefits and options that would otherwise be foreclosed



# Requested Action

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- Expand the scope of the current proceeding to include the A and B block issues raised by the Broadband Optimization Plan by issuing a notice as soon as possible
  - Alternatively, the FCC could launch a separate, coordinated and concurrent proceeding about the Upper 700 MHz A and B Blocks
  
- Act quickly to conclude this proceeding
  - The public safety community has been waiting for many years for the DTV transition to occur so it can use its 700 MHz allocation
  - It will be impractical to consider these changes after the auction of the Upper 700 MHz C and D Blocks in early 2008